Michael K. Jeanes, Clerk of Court
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SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2015-000317-001 DT 09/23/2015

THE HON. CRANE MCCLENNEN

CLERK OF THE COURT
J. Eaton
Deputy

STATE OF ARIZONA

JOHN AUSTIN GAYLORD

v.

NOELIA D TAYLOR (001)

MARK N WEINGART

MESA MUNICIPAL COURT - COURT ADMINISTRATOR
MESA MUNICIPAL COURT - PRESIDING JUDGE
REMAND DESK-LCA-CCC

HIGHER COURT RULING / REMAND

Lower Court Case Number 2014-058910.

Defendant-Appellee Noelia Taylor (Defendant) was charged in Mesa Municipal Court with driving under the influence, failure to control speed to avoid a collision, and no proof of insurance. The State contends the trial court erred in granting Defendant's Motion To Suppress, which alleged Defendant did not voluntarily consent to medical treatment. For the following reasons, this Court reverses and vacates the ruling of the trial court.

I. FACTUAL BACKGROUND.

On September 19, 2014, Defendant was cited for driving under the influence, A.R.S. § 28–1381(A)(1); failure to control speed to avoid a collision, A.R.S. § 28–701(A); and no proof of insurance, A.R.S. § 28–4135(C). On December 18, 2014, Defendant's attorney filed a Motion To Suppress contending Defendant did not voluntarily consent to medical treatment. On December 24, 2014, the State filed a Response.

At the hearing on Defendant's Motion To Suppress, Officer Joe DeMarco testified he had been a Mesa Police Officer for 15 years. (R.T. of Jan. 29, 2015, at 5.) On September 19, 2014, he was responding to a one-vehicle rollover collision at 1600 North Ellsworth Road. (*Id.* at 5.) He arrived about 2:46 p.m., and when he saw the vehicle, it appeared it had rolled over and had a crushed hood and a crushed roof. (*Id.* at 6.) The photographs admitted in evidence showed the vehicle had collided with a guardrail, that the roof was crushed over where the driver would be sitting, and the windshield in front of the driver was shattered. (*Id.* at 26–27.) Both front tires were flat and were in a sandy area approximately 20 feet from the roadway, and the back tires were in a

rocky area that dropped away from the level of the roadway. (*Id.*) Defendant was sitting in the driver's seat. (*Id.* at 6–7.) Because another witness was there helping Defendant, Officer DeMarco secured the scene to make sure no other vehicles became involved with that collision. (*Id.* at 6–8.)

A few minutes later, the firefighter paramedics arrived and attempted to get Defendant out of the vehicle. (R.T. of Jan. 29, 2015, at 8.) Defendant was not cooperating and refused to get out of the vehicle, so Officer DeMarco told her "she needed to cooperate with the paramedics or she was going to go to jail." (*Id.* at 9, 20–21.) At that point, Officer DeMarco was about 25 feet away from Defendant. (*Id.* at 9.) Officer DeMarco told her the paramedics "needed to assess her to make sure she was okay and going to live." (*Id.* at 9.) Defendant then got out of the vehicle and listened to the paramedics. (*Id.* at 10.) Officer DeMarco walked away from where Defendant was: "I left her in the hands of the paramedics and I started my accident investigation." (*Id.*)

While Officer DeMarco was doing his investigation of the collision and the paramedics were treating Defendant, no other officers were in contact with Defendant and no officers restrained or controlled her. (R.T. of Jan. 29, 2015, at 11.) At some point, the paramedics took Defendant to a hospital. (*Id.* at 11.) Officer DeMarco took no part in the decision to take Defendant to the hospital. (*Id.* at 11–12.) The paramedics took Defendant in a ground ambulance, and no police officers were in the ambulance with her. (*Id.* at 12–13.) Officer DeMarco never heard Defendant consent to being transported at the scene or cooperate with the paramedics. (*Id.* at 24.)

Officer DeMarco remained at the scene for about ½ hour after Defendant left. (R.T. of Jan. 29, 2015, at 13.) Before he arrived at the hospital, he did not call ahead to the hospital and did not talk to any personnel there. (*Id.* at 13–14.)

Once Officer DeMarco arrived at the hospital, he did not ask the personnel there to do anything for him, such as draw blood from Defendant. (R.T. of Jan. 29, 2015, at 14.) Defendant was screaming and swearing and was in a tirade, and "had to be restrained or four pointed to the bed because no one in that hospital could control her in that hospital room." (*Id.* at 15–16, 22.) Defendant was "[u]nable to even comprehend Admin Per Se." (*Id.* at 15.) Officer DeMarco noted her slurred speech, erratic behavior, and odor of alcohol. (*Id.* at 16.) He testified that, based on his 15 years of experience with people who were intoxicated, Defendant was one of the most extreme cases:

> Q. Based on your training and experience, I mean, in the last 15 years have you seen people who are intoxicated?
>
> A. Yes.
>
> Q. Did her behavior—did it seem like she was intoxicated?
>
> A. Yes. And maybe something else. I had no idea.
>
> Q. What do you mean? Did it seem like she was a little bit intoxicated? A lot intoxicated?
>
> A. She was one of my more extreme that I've seen in the longest time. She had been the most extreme that I've dealt with in the last few years I'd have to say.
>
> Q. By most extreme, most extremely what?
>
> A. DUI or for alcohol related.

(R.T. of Jan. 29, 2015, at 16–17.) On cross-examination, Defendant's attorney asked Officer DeMarco, "Now, at the scene you already had some pretty good reasons to suspect this was a DUI investigation in addition to the accident, correct," to which Officer DeMarco answered, "Correct." (*Id.* at 22.) When Officer DeMarco asked Defendant about the Admin Per Se/Implied Consent Affidavit, Defendant "swore back at me and told me to fuck off." (*Id.* at 17.)

At this point, Officer DeMarco knew he needed to get a sample of Defendant's blood. (R.T. of Jan. 29, 2015, at 17, 23.) Upon speaking to someone at the hospital, he learned personnel there had already drawn Defendant's blood for medical purposes:

> Q. And at some point did it come to your attention that her blood had been drawn?
>
> A. It did.
>
> Q. How did you find that out? How did you become aware of that?
>
> A. I had asked, I believe, someone at the hospital if they knew what was going on. How we were determining this? And they said she wasn't even answering their questions and cooperating and ***they had to draw her blood.*** That's how I knew her blood was drawn.

(R.T. of Jan. 29, 2015, at 18; emphasis added.) Her blood "was drawn because they didn't know what was going on with her." (*Id.*) This was done before Officer DeMarco arrived at the hospital. (*Id.* at 18, 22.) Officer DeMarco did not know whether Defendant consented to any part of the treatment because he stepped out of the room and the hospital personnel closed the doors. (*Id.* at 24.) Officer DeMarco did not ask for the sample of Defendant's blood; instead "[t]hey presented me with two vials." (*Id.* at 19.) He was the only police officer in the hospital, thus neither he nor any other officer asked the hospital personnel to draw the sample of Defendant's blood. (*Id.* at 19.)

After Officer DeMarco finished testifying, the trial court stated Officer DeMarco was not involved in the drawing of Defendant's blood:

> . . . [The police] were given something from a hospital that drew the blood that the officer wasn't there when it was being drawn. Wasn't questioned about it. When he gets there and then he's handed two vials. So he's not a part of what they did. They did whatever they did in determining to draw the blood.

(R.T. of Jan. 29, 2015, at 32.) After hearing arguments from the attorneys, the trial court took the matter under advisement. (*Id.* at 50.) The trial court later issued a written Order granting Defendant's Motion To Suppress. In that Order, the trial court stated the following facts:

1. The paramedics made the decision to transport Defendant to the hospital.
2. Hospital personnel were the ones who decided to restrain Defendant.
3. Hospital personnel drew Defendant's blood before Officer DeMarco arrived there.
4. Hospital personnel gave the vials of Defendant's blood to Officer DeMarco without his having to request them.

(Order, dated Feb. 4, 2015, at 2–3.) The trial court also found Defendant's BAC was 0.29. (*Id.* at 3.) The trial court concluded with the following ruling:

> For the reasons above reviewed and presented, the court concludes suppression of blood evidence is required because [1] there was no probable cause to believe she had committed a DUI offense at the time the medical purpose blood draw was performed on Defendant; [2] the evidence does not establish that the hospital staff drew her blood for medical purposes; and [3] there is no proof of her voluntary consent to medical treatment, including a medical purpose blood draw.
>
> For these reasons, the Court finds, rules and orders the Defendant's motion to suppress is granted.

(Order, dated Feb. 4, 2015, at 11.) On February 18, 2015, the State filed a timely notice of appeal. This Court has jurisdiction pursuant to ARIZ. CONST. Art. 6, § 16, and A.R.S. § 12–124(A).

II. ISSUE: DID THE TRIAL COURT ERR IN SUPPRESSING THE EVIDENCE OF DEFENDANT'S BAC.

A. *Did the trial court err in ruling that Officer DeMarco did not have probable cause when he received the sample of Defendant's blood.*

The State contends the trial court erred when it ruled there was no probable cause to believe Defendant had committed a DUI offense at the time the medical purpose blood draw was performed on her. The Statute provides an officer is permitted to obtain a portion of blood drawn from a person if "officer has probable cause to believe that a person has violated § 28–1381 and a sample of blood . . . is taken from that person." A.R.S. § 28–1388(E). In reviewing on appeal a trial court's ruling, the appellate court is to "apply the law to the facts de novo in determining whether probable cause existed." *State v. Estrada*, 209 Ariz. 287, 100 P.3d 452, ¶ 9 (Ct. App. 2004). Applying this *de novo* standard of review, this Court concludes the trial court erred in ruling Officer DeMarco did not have probable cause to believe Defendant had violated § 28–1381. Officer DeMarco noted Defendant's slurred speech and odor of alcohol. (R.T. of Jan. 29, 2015, at 16.) He said she was unable even to comprehend the Admin Per Se affidavit. (*Id.* at 15.) He said this was one of the most extreme DUI cases he had seen in his 15 years of duty. (*Id.* at 16–17.) Even Defendant's attorney acknowledged Officer DeMarco already had some pretty good reasons to suspect this was a DUI investigation. (*Id.* at 22.) The record thus supports the conclusion that Officer DeMarco had probable cause to believe Defendant had violated § 28–1381.

B. *Did the trial court err in ruling that the evidence did not establish that the hospital staff drew her blood for medical purposes.*

The State contends the trial court erred when it ruled the evidence did not establish that the hospital staff drew her blood for medical purposes. On appeal, the appellate court "review[s] the trial court's legal conclusions de novo, including its resolution of the ultimate issue of whether the warrantless blood draw offended the Fourth Amendment's prohibition against unreasonable searches and seizures." *Estrada* at ¶ 2. Applying this *de novo* standard of review, this Court concludes the trial court erred in ruling the evidence did not establish that the hospital staff drew Defendant's blood for medical purposes.

As originally drafted by the Arizona Legislature, the statute in question read as follows:

> E. Notwithstanding any other law, if a law enforcement officer has probable cause to believe that a person has violated § 28–1381 and a sample of blood, urine or other bodily substance is taken from that person for any reason, a portion of that sample sufficient for analysis shall be provided to a law enforcement officer if requested for law enforcement purposes. . . .

A.R.S. § 28–1388(E). In *State v. Cocio,* 147 Ariz. 277, 709 P.2d 1336 (1985), the Arizona Supreme Court restricted the "taken from that person for any reason" language "to mean that the blood must be drawn by medical personnel for any medical reason." 147 Ariz. at 286, 709 P.2d at 1345. Thus, the Arizona Supreme Court has rewritten § 28–1388(E) to read as follows:

> E. Notwithstanding any other law, if a law enforcement officer has probable cause to believe that a person has violated § 28–1381 and a sample of blood, urine or other bodily substance is taken from that person ***by medical personnel*** for any ***medical*** reason, a portion of that sample sufficient for analysis shall be provided to a law enforcement officer if requested for law enforcement purposes. . . .

(***Bold and italic*** language added). Typically, when the language of a statute is unambiguous and the legislative intent clear, the courts are not at liberty to rewrite the statute under the guise of judicial interpretation. *State v. Patchin,* 125 Ariz. 501, 502, 610 P.2d 1062, 1063 (Ct. App. 1980). The above language is, however, what the Arizona Supreme Court has held the statute requires.

In this Court's *de novo* review of the trial court's ruling, this Court concludes the trial court erred in ruling the evidence did not establish that the hospital staff drew Defendant's blood for medical purposes. Officer DeMarco testified hospital personnel told him Defendant "wasn't even answering their questions and cooperating and ***they had to draw her blood.***" (R.T. of Jan. 29, 2015, at 18; emphasis added.) Defendant's blood "was drawn because they didn't know what was going on with her." (*Id.*) There was no evidence in the record contradicting that testimony. This Court therefore concludes the trial court erred when it ruled the evidence did not establish that the hospital staff drew Defendant's blood for medical purposes.

The evidence presented to the trial court established that Officer DeMarco had probable cause to believe that Defendant had violated § 28–1381 and that a sample of blood had been taken from Defendant by medical personnel for medical reasons. That satisfied the requirements imposed by A.R.S. § 28–1388(E) and the requirements imposed by the Arizona Supreme Court in *Cocio,* thus Officer DeMarco was entitled to receive a portion of that sample sufficient for analysis.

C. *Did the trial court err in ruling that Defendant clearly and expressly refused medical treatment.*

The State contends the trial court erred when it ruled that Defendant clearly and expressly refused medical treatment. In *Estrada,* the court noted that a person of sound mind may refuse medical treatment. *Estrada* at ¶ 10. The court went on to hold that, if a person clearly and expressly exercises his or her constitutional right to refuse medical treatment, an officer is not entitled to obtain the portion of the person's blood under A.R.S. § 28–1388(E). *Estrada* at ¶ 15. Thus, the Arizona Court of Appeals has rewritten § 28–1388(E) to read as follows:

> E. Notwithstanding any other law, if a law enforcement officer has probable cause to believe that a person has violated § 28–1381 and a sample of blood, urine or other bodily substance is taken from that person by medical personnel for any medical reason, a portion of that sample sufficient for analysis shall be provided to a law enforcement officer if requested for law enforcement purposes, ***unless the person is of sound mind and has clearly and expressly exercised his or her constitutional right to refuse medical treatment.***

(***Bold and italic*** language added). As noted above, this Court "review[s] the trial court's legal conclusions de novo, including its resolution of the ultimate issue of whether the warrantless blood draw offended the Fourth Amendment's prohibition against unreasonable searches and seizures." *Estrada* at ¶ 2. Applying this *de novo* standard of review, this Court concludes the trial court erred in ruling Defendant was of sound mind and clearly and expressly exercised her constitutional right to refuse medical treatment.

First, the record does not establish Defendant was of sound mind during this incident. The trial court found Defendant's BAC was 0.29, which is over 3½ times the legal limit. Officer DeMarco testified Defendant was "[u]nable to even comprehend Admin Per Se." (R.T. of Jan. 29, 2015, at 15.) Defendant was screaming and swearing and was in a tirade, and "had to be restrained or four pointed to the bed because no one in that hospital could control her in that hospital room." (*Id.* at 15–16, 22.) Defendant initially wanted to remain in her vehicle, which was immobile and would have to be towed from that location. The record thus does not establish that Defendant was of sound mind during this incident.

Second, the record does not establish Defendant clearly and expressly exercised her constitutional right to refuse medical treatment. In *Carrillo v. Houser*, 224 Ariz. 463, 232 P.3d 1245 (2010), the court discussed what was meant by "expressly" as used in A.R.S. § 28–1321, the implied consent statute. The court held "that the statute generally does not authorize law enforcement officers to administer the test without a warrant unless the arrestee expressly agrees to the test." *Carrillo* at ¶ 1. The court elaborated further:

> The statute requires that an arrestee "expressly agree" to warrantless testing. "Expressly," as we have noted in another context, means "in direct or unmistakable terms" and not merely implied or left to inference. Failing to actively resist or vocally object to a test does not itself constitute express agreement. Instead, to satisfy the statutory requirement, the arrestee must unequivocally manifest assent to the testing by words or conduct.

Carrillo at ¶ 19 (citations omitted). In the present case, Defendant exhibited conduct from which it could be inferred she was not pleased with what was happening, but there was no testimony that she directly or in unmistakable terms said she was refusing medical treatment, including the blood draw. Certainly Defendant was not required to testify at the suppression hearing, but there was nothing to prevent her from testifying and explaining exactly what her actions meant. There was thus nothing in the record to establish Defendant clearly and expressly exercised her constitutional right to refuse medical treatment.

. . . .

. . . .

D. *Does Estrada apply to this fact situation.*

The trial court cited *Estrada* in support of its ruling. The State contends *Estrada* does not apply to this fact situation. In *Estrada,* the court held as follows:

> [A]n officer cannot obtain blood for law enforcement purposes under § 28–1388(E) when the person is subjected to medical treatment that the person has expressly rejected.
>
> To construe the statute otherwise would enable an unscrupulous police officer to circumvent the right of refusal recognized in the implied consent statute by relying instead on § 28–1388(E) to acquire a blood sample from a suspect. Thus, that person would have lost any opportunity to refuse to submit to the test. Similarly, an officer could first attempt to obtain a blood sample by using the implied consent statute, but, if the person refused, could then have the person forcibly taken to the hospital under the pretext of needing medical treatment in order to procure a blood sample without first obtaining a warrant. This would essentially render meaningless the right of refusal recognized in the implied consent statute because the officer could use § 28–1388(E) to obtain a blood sample regardless of the circumstances. Constitutional considerations aside, the statute does not clearly reflect any such legislative intent.
>
> Accordingly, we hold that, when a person is receiving medical treatment against his or her will, the exception of § 28–1388(E) allowing blood draws without a warrant does not apply.

Estrada at ¶¶ 13–15. In *Estrada,* the facts were as follows:

1. After some resistance, Deputy Hill talked Estrada into going to the hospital.
2. On the way to the hospital, Estrada changed his mind and tried to get out of the ambulance.
3. The driver stopped and called police for assistance.
4. When Deputy Nehrmeyer arrived, Estrada stated that he did not want to go to the hospital.
5. Deputy Nehrmeyer then handcuffed and shackled Estrada to the gurney at the request of the medics because of safety concerns.
6. After Estrada was secured to the gurney, he still expressed a desire to get out of the ambulance.
7. Estrada eventually fell asleep, and at the hospital, personnel there drew his blood.

Estrada at ¶¶ 4–5. In contrast, the facts of the present case are as follows:

1. When Officer DeMarco was 25 feet away from Defendant, he told her to get out of the vehicle and cooperate with the paramedics.
2. Officer DeMarco never spoke to Defendant again until she was at the hospital and her blood had already been drawn.
3. The paramedics decided to take Defendant to the hospital, and Officer DeMarco had no part of that decision.

4. No officer rode in the ambulance with Defendant.
5. Medical personnel drew Defendant's blood for medical reasons.
6. Neither Officer DeMarco nor any other officer had any part in the decision to draw Defendant's blood.
7. Officer DeMarco did not ask for a portion of the blood drawn; instead, hospital personnel gave him the portion of the blood drawn.

In this situation, the following language from *Estrada* would apply:

> [U]nless the state or one of its agents was responsible for forcibly transporting Estrada to the hospital, then the resulting wrongful seizure of his blood sample does not violate the Fourth Amendment and the evidence need not be suppressed.

Estrada at ¶ 16. In the present situation, because neither "the state [nor] one of its agents was responsible for forcibly transporting [Defendant] to the hospital, then the resulting wrongful seizure of [her] blood sample [did] not violate the Fourth Amendment and the evidence need not be suppressed."

A similar situation occurred in *State v. Aleman*, 210 Ariz. 232, 109 P.3d 571 (Ct. App. 2005), where the facts were as follows:

> Aleman was transported to a hospital, where he became "extremely uncooperative." A hospital phlebotomist testified that Aleman had attempted to get off of the examination table, and it had taken about eight people to hold him down. The phlebotomist considered this a severe trauma case and testified that blood draws are "mandatory" for every trauma patient seen at the hospital. The hospital's trauma pack contained between five to seven blood vials. Regardless of the total number of vials, every pack contained two gray-topped vials that were specifically and routinely drawn for law enforcement purposes in every trauma case. The phlebotomist testified that she had drawn a "full trauma pack" on Aleman and that the two gray-topped vials were set aside in a locked area for law enforcement purposes.
>
> Within a few hours, Officer Encisco of the Pinal County Sheriff's Department retrieved the two grey-topped blood vials from the hospital, took them back to the sheriff's office, and stored them for evidence.

Aleman at ¶¶ 5–6. Aleman never made a claim that he did not consent to the medical treatment and thus the officers were not entitled to the portion of his blood drawn by the hospital, possibly because there was no governmental action in drawing the sample of his blood.

Defendant contends this case is controlled by *State v. Spencer*, 235 Ariz. 496, 333 P.3d 823 (Ct. App. 2014). In that case, Spencer specifically refused to go to the hospital and specifically refused medical treatment, so the officer told her "she could either go to the hospital and get checked out medically or I would take her to jail and begin a DUI investigation." *Spencer* at ¶ 4. Thus, Spencer knew her choice was either go to the hospital for medical treatment or go to jail. In the present matter, the paramedics "needed to assess her to make sure she was okay and going to live." (R.T. of Jan. 29, 2015, at 9.) Because Defendant was refusing to come out of the vehicle, Officer

DeMarco told her "she needed to cooperate with the paramedics or she was going to go to jail." (*Id.* at 9, 20–21.) Thus, in the present case, Defendant had not refused medical treatment, and there was no threat either to receive medical treatment or go to jail. All Officer DeMarco knew was that the paramedics wanted to check her condition, so he told her to cooperate with them. For all he knew, they were then going to return her to him for further investigation. This Court therefore concludes this situation is different from *Spencer* and thus that case is not controlling. This Court thus concludes the trial court erred in ordering the suppression of the BAC evidence derived from the testing of Defendant's blood sample.

E. *Did the Fourth Amendment even apply to this fact situation.*

The State contends the Fourth Amendment did not even apply in this fact situation. The United States Supreme Court has held the Fourth Amendment does not apply to a search or seizure done by a private individual:

> The first clause of the Fourth Amendment provides that the "right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated . . . ." This text protects two types of expectations, one involving "searches," the other "seizures." A "search" occurs when an expectation of privacy that society is prepared to consider reasonable is infringed. A "seizure" of property occurs when there is some meaningful interference with an individual's possessory interests in that property. This Court has also consistently construed this protection as proscribing only governmental action; it is wholly inapplicable "to a search or seizure, even an unreasonable one, effected by a private individual not acting as an agent of the Government or with the participation or knowledge of any governmental official."

United States v. Jacobsen, 466 U.S. 109, 113 (1984). In the present case, the drawing of Defendant's blood was done by hospital personnel without the knowledge or direction of any police officer, and thus was done by "a private individual not acting as an agent of the Government or with the participation or knowledge of any governmental official." As such, the Fourth Amendment did not apply. Further, in *Burdeau v. McDowell*, 256 U.S. 465 (1921), the Court held that, when a private individual has obtained property from a person, the obtaining of which would have been a violation of the person's Fourth Amendment rights if done by a government official, the private individual may give the property to the government, and the government may use that property to prosecute the person, and such conduct does not violate the person's Fourth Amendment rights. 256 U.S. 475–76. Thus, in the present case, the hospital personnel could give the portion of Defendant's blood sample to the police officer, and the State could use that evidence to prosecute Defendant without violating Defendant's Fourth Amendment rights. This Court again concludes the trial court erred in ordering the suppression of the BAC evidence derived from the testing of Defendant's blood sample.

Moreover, requiring a search warrant before the officers could seize the portion of the blood drawn by hospital personnel would be problematical. If the officers obtained a warrant, they would not serve it on Defendant because the blood was already drawn from her and she no longer had it in her possession. It would appear the officers would have to serve the warrant on the hospital because that was the entity in possession of the blood sample. Assuming that seizing the blood sam-

ples without a warrant would be a violation of the Fourth Amendment, that would be a violation of the hospital's Fourth Amendment rights. Defendant is not, however, entitled to claim relief based on a violation of some other person's or entity's Fourth Amendment rights. Again, this Court concludes the trial court erred in ordering the suppression of the BAC evidence derived from the testing of Defendant's blood sample.

III. CONCLUSION.

Based on the foregoing, this Court concludes the trial court erred in granting Defendant's Motion To Suppress,

IT IS THEREFORE ORDERED reversing and vacating the ruling of the trial court.

IT IS FURTHER ORDERED the trial court shall enter its order denying Defendant's Motion To Suppress.

IT IS FURTHER ORDERED remanding this matter to the Mesa Municipal Court for all further appropriate proceedings.

IT IS FURTHER ORDERED signing this minute entry as a formal Order of the Court.

/s/ Crane McClennen
THE HON. CRANE MCCLENNEN
JUDGE OF THE SUPERIOR COURT 092320151520•

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